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REMARKS

Claims 1-27 are currently pending in the subject application and are presently under consideration. Claims 1-5, 9, 12, 13, 17, 18, 20-22, and 24-27 have been amended as shown at pp. 5-11 of the Reply. In addition, the specification has been amended as indicated at pp. 2-4.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 3 and 4 Under 35 U.S.C §112

Claims 3 and 4 stand rejected under 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is respectfully requested in view of the herein amendments to claims 1, 3 and 4.

II. Rejection of Claims 1-14, 16-24, 26 and 27 Under 35 U.S.C. §102(e)

Claims 1-14, 16-24, 26 and 27 stand rejected under 35 U.S.C. §102(e) as being anticipated by Anderson (U.S. 6,215,523). It is respectfully requested that this rejection should be withdrawn for at least the following reasons. Anderson does not teach each and every element of the subject invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates to a media browsing system that presents a plurality of thumbnails related to a media item based upon analysis of the media item to provide a user an easier way to navigate to their preferred section of the media item. For example, the user may wish to navigate to a particular portion of a movie - applicants' claimed invention can conduct an analysis of the movie to determine that it is two hours long and a thumbnail representation should be provided for each 5 minute interval of the movie. This enables the user to navigate through the thumbnails to locate preferred section(s) of the movie. In particular, independent

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claim 1 (and similarly independent claims 12, 17, 20-22, 24, 26, and 27) recites *a media display component that displays a media input and at least one of a plurality of thumbnail images related to the media input ... the number of the plurality of thumbnail images is based at least in part on an analysis of the media input by the media delivery system.*

Anderson does not teach or suggest the aforementioned novel aspects of applicants' claimed invention. Rather, Andersen teaches a system for fast navigation through digital images captured on a digital camera, whereby, two lower resolution thumbnail images are created for each image, a lowest resolution thumbnail and a mid resolution screennail. The user is then able to navigate using either the thumbnails or screennails at a faster rate than if navigating through the higher resolution images. However, the number of thumbnails for each image is fixed at two. For time lapse play each image also still has exactly two images. Anderson does not adjust the number of thumbnails per image based upon any factors. Therefore, Anderson fails to teach or suggest that the number of the plurality of thumbnail images is based at least in part on an analysis of the media input by the media delivery system.

In view of at least the foregoing, it is readily apparent that Anderson does not teach or suggest applicants' invention as recited in independent claims 1, 12, 17, 20-22, 24, 26, and 27 (and claims 2-11, 13, 14, 16, 18, 19, and 23 which respectively depend there from). This rejection should be withdrawn.

III. Rejection of Claim 25 Under 35 U.S.C. §102(e)

Claim 25 stands rejected under 35 U.S.C. §102(e) as being anticipated by Goldstein (U.S. 2003/0028672). It is respectfully requested that this rejection should be withdrawn for at least the following reasons. Goldstein does not teach each and every element of the subject invention as recited in the subject claims. Goldstein teaches a system for opportunistically connecting a portable electronic device such as a digital camera or PDA that has limited memory to a host storage device through a wireless connection. The portable device detects when a wireless receiver is within range and transmits stored data to the host storage device and then erases transferred items from its memory to free space. However, Goldstien does not teach or suggest creating multiple thumbnail images for a media item and therefore fails to teach or suggest *information associated with at least one of a plurality of thumbnail images related to the media input, the number of the plurality of thumbnail images is based at least in part on an analysis*

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of the media input as recited in independent claim 25. Accordingly, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claim 15 Under 35 U.S.C. §103(a)

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson in view of Sjolander (U.S. 6,128,587). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Anderson in further view of Sjolander fails to teach or suggest each and every limitation of applicants' claimed invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The subject claim depends from independent claim 12. As noted *supra*, Anderson does not teach or suggest each and every element of the subject invention as recited in independent claim 12, and Sjolander fails to make up for the aforementioned deficiencies of Anderson. Sjolander teaches a method employing Bayesian techniques to create phylogenetic trees to identify sub-families in gene mapping. Sjolander is silent regarding thumbnails of media and therefore does not teach or suggest that the number of the plurality of thumbnail images is based at least in part on an analysis of the media input by the media delivery system as recited in independent claim 12.

In view of the above, applicants' representative respectfully submits that Anderson and Sjolander, alone or in combination, fail to teach or suggest all aspects of applicants' invention as recited in claim 15. Accordingly, this rejection should be withdrawn.

10/055,539MS188916.01/MSFTP303US**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP303US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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